# SAUDER | SCHELKOPF Attorneys at Law

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## About Us Attorneys

Joseph G. Sauder Matthew D. Schelkopf Joseph B. Kenney Mark B. DeSanto

#### **Practice Areas**

Automobile Defects and False Advertising Consumer Fraud Class Actions Sexual Misconduct and Gender Discrimination Employee Rights Class Actions General Complex Litigation Data Breach/Privacy Litigation

#### Case Highlights

#### **About Us**

Sauder Schelkopf has a nationally recognized litigation practice. The firm currently serves as court-appointed lead counsel in courts across the country. The attorneys at Sauder Schelkopf have recovered over \$500 million on behalf of their clients and class members. Our firm was recognized by the Legal Intelligencer's 2022 Professional Excellence Awards. The Legal Intelligencer's Professional Excellence Awards honor Pennsylvania law firms and attorneys who have made a significant, positive impact on the legal profession. Our firm was named in the Litigation Departments of the Year (Specialty Area Category), an award that honors the best litigation practice in a small or mid-sized firm in Pennsylvania. This recognition was based on the firm's 2021 litigation work and its important ongoing cases. Law Dragon has recognized our attorneys in its list of the "500 Leading Plaintiff Consumer Lawyers" for 2022. This list notes: "From the opioid epidemic to toxic substances and defective products, truck accidents to wildfires and sexual abuse, these are the lawyers who stand on the front line in individual lawsuits and class actions seeking justice." Mr. Schelkopf was named to Pennsylvania's Best Lawyers® 2022 for Class Actions/Mass Tort Litigation. The American Lawyer named Mr. Sauder to its 2021 Northeast Trailblazers. The honor recognizes 60 lawyers who are "truly agents of change." It "recognizes professionals in the Northeast who have moved the needle in the legal industry." The Legal Intelligencer named Mr. Sauder and Mr. Schelkopf in its 2020 Pennsylvania Trailblazers list recognizing 31 lawyers who "have taken extra measures to contribute to positive outcomes . . . and who are truly agents of change." The Legal highlighted the firm's innovative work on advocacy as class counsel in large institutional sex abuse cover-ups, women's, and children's rights. Our attorneys have also consistently been recognized by their peers being named to Pennsylvania SuperLawyer, a distinction held by the top 5% of attorneys in Pennsylvania, and Pennsylvania SuperLawyer Rising Stars, a distinction for 2.5% of lawyers in Pennsylvania. Our attorneys have also been selected by the National Trial Lawyers Association as the Top 100 Trial Lawyers in Pennsylvania.

#### Joseph G. Sauder, Partner

Joseph G. Sauder handles complex cases on behalf of individuals, sexual abuse survivors, consumers, small businesses and employees. Mr. Sauder currently serves as court appointed lead counsel in state and federal courts across the country. He has successfully litigated cases against some of the largest companies in the world.



Mr. Sauder started his legal career as a prosecutor in the Philadelphia District Attorney's Office where, from 1998 to 2003, he successfully tried hundreds of criminal cases to verdict, including sexual abuse cases. LawDragon recognized Mr. Sauder in its list of the "500 Leading Plaintiff Consumer Lawyers" for 2022. The Lawdragon consumer law guide offers the publication's take on the best of the U.S. plaintiff bar specializing in representing consumers. The publication notes "these are the lawyers who stand on the front line in individual lawsuits and class actions seeking justice. They relish their role of underdog, taking on the toughest cases . . . ." The American Lawyer named Joe Sauder to its 2021 Northeast Trailblazers. The honor recognizes 60 lawyers who are "truly agents of change." It "recognizes professionals in the Northeast who have moved the needle in the legal industry." The Northeast includes Maine, New York, New Jersey, Vermont, Massachusetts, Rhode Connecticut, New Hampshire, and Pennsylvania. The Intelligencer named Mr. Sauder in its 2020 Pennsylvania Trailblazers list recognizing 31 lawyers who "have taken extra measures to contribute to positive outcomes . . . and who are truly agents of change." The Legal highlights Joe's innovative work on advocacy as class counsel in large institutional sex abuse cover-ups, women's, and children's rights. Mr. Sauder has been repeatedly recognized by his peers. Since 2011, Mr. Sauder has been selected as a Pennsylvania SuperLawyer, a distinction held by the top 5% of attorneys in Pennsylvania, as chosen by their peers and through the independent research of Law & Politics.

Mr. Sauder received his Bachelor of Science, magna cum laude in Finance from Temple University in 1995. He graduated from Temple University School of Law in 1998, where he was a member of Temple Law Review.

Mr. Sauder is admitted to practice before the Supreme Courts of Pennsylvania and New Jersey, the United States Court of Appeals for the Third Circuit, the United States District Courts for the Eastern District of Pennsylvania, the Middle District of Pennsylvania, the District of New Jersey and the District of Colorado. Mr. Sauder currently serves as a lead counsel in numerous class actions related to product, construction and automotive defect cases pending throughout the country.

#### Matthew D. Schelkopf, Partner

Matthew D. Schelkopf has extensive trial and courtroom experience throughout the United States, with an emphasis on class actions involving automotive defects, consumer protection, defective products and mass torts litigation.

The Legal Intelligencer named Mr. Schelkopf in its 2020 Pennsylvania Trailblazers list recognizing 31 lawyers who "have taken extra measures to contribute to positive outcomes . . . and who are truly agents of change." The Legal highlights Matthew's work on behalf of clients who have been victimized by corporations. Since 2010, Mr. Schelkopf has been selected by Pennsylvania Super Lawyers as a Rising Star (a distinction held by the top 2.5% of attorneys in PA) and then a Pennsylvania Super Lawyer, as chosen by their peers and through the independent research of Law & Politics. In 2012, The American Lawyer Media, publisher of The Legal Intelligencer and the Pennsylvania Law Weekly, named Mr. Schelkopf as one of the "Lawyers on the Fast Track" a distinction that recognized thirty-five Pennsylvania attorneys under the age of 40 who show outstanding promise in the legal profession and make a significant commitment to their community. Mr. Schelkopf was also selected as a Top 40 under 40 by the National Trial Lawyers in 2012-2015.

Mr. Schelkopf began his legal profession as a criminal prosecutor with the District Attorney's Office of York County. He quickly progressed to Senior Deputy Prosecutor where he headed a trial team responsible for approximately 300 felony and misdemeanor cases each quarterly trial term.

In 2004, Mr. Schelkopf then associated with a suburban Philadelphia area law firm, litigating civil matters throughout Pennsylvania and New Jersey. In 2006, he was cocounsel in a Philadelphia County trial resulting in a \$30,000,000.00 jury verdict in favor of his clients – the largest state verdict recorded for that year. Mr. Schelkopf currently serves as a lead and co-lead counsel in numerous class actions related to product and automotive defect cases pending throughout the country.

Outside of the office, Mr. Schelkopf enjoys spending time with his family, mountain and road biking, skiing and restoring classic automobiles. Three of his auto restorations have been featured in nationally circulated automotive publications.

#### Joseph B. Kenney, Partner

Joseph B. Kenney has experience representing consumers in class actions involving defective products, automotive defects, false and misleading advertising, and other consumer protection litigation. Mr. Kenney also represents victims of sexual misconduct in federal courts throughout the country.



Since 2017, Joe has been selected by Pennsylvania Super Lawyers as a Rising Star, an honor reserved for 2.5% of lawyers in Pennsylvania, as chosen by his peers based on his professional achievements. Joe is also the co-chair of the firm's Law & College Fellowship Program, where he mentors undergraduate students, law students, and new attorneys. Joe has argued numerous dispositive motions in federal courts across the country, deposed engineers and other highly specialized witnesses, and achieved settlements valued in the tens of millions of dollars on behalf of consumers.

Joe received his J.D., *cum laude*, from Villanova University's School of Law in 2013. While at Villanova, he was elected as a Managing Editor of Student Works for the Jeffrey S. Moorad Journal of Sports Law for his third year of law school. As a staff writer, his comment, *Showing On-Field Racism the Red Card: How the Use of Tort Law and Vicarious Liability Can Save the MLS from Joining the English Premier League on Racism Row*, was selected for publication in the Spring 2012 Volume of the Journal. Prior to law school, he attended Ursinus College where he majored in politics and minored in international studies. Mr. Kenney was also a member of the men's varsity soccer team at Ursinus.

Joe is admitted to practice before the Supreme Courts of Pennsylvania and New Jersey and the United States District Courts for the Eastern District of Pennsylvania, the District of New Jersey, the District of Colorado, and the Eastern District of Michigan.

#### Mark B. DeSanto, Associate

Mark B. DeSanto has extensive class action litigation experience in federal courts throughout the United States representing consumers, pension participants, investors, and employees in class actions involving false and misleading advertising, defective products, data breaches, ERISA litigation, securities litigation, employee rights, and other consumer protection litigation.



Since 2018, Mr. DeSanto has been selected by Pennsylvania Super Lawyers as a Rising Star (an honor reserved for 2.5% of lawyers in Pennsylvania), as selected by his peers based on his professional achievements. Mr. DeSanto has extensive experience handling all aspects of class action litigation, from inception through pretrial motion practice, including case investigation and initiation, complaint drafting and motion to dismiss briefing, written discovery and discovery motion practice, taking and defending fact witness depositions, contested class certification briefing, preparation of expert reports, taking and defending expert witness depositions, *Daubert* motion practice, summary judgment, motions in limine, preliminary and final approval settlement briefing, and oral arguments on all of the foregoing. Mr. DeSanto also authored a chapter of a course handbook published by the Practising Law Institute on March 1, 2018, for the 23rd Annual Consumer Financial Services Institute titled Chapter 57: The Impact of Payment Card II on Class Action Litigation & Settlements (ISBN Number: 9781402431005).

Mr. DeSanto received his Juris Doctor (J.D.), *cum laude*, from the University of Miami School of Law in 2013, where he was also a member of the National Security and Armed Conflict Law Review. During his second and third years of law school, Mr. DeSanto worked full-time at a securities litigation firm while also attending law school full-time and earning Dean's List and President's Honor Roll distinction (4.0 GPA) in multiple semesters. Prior to attending law school, Mr. DeSanto attended the University of Miami where he earned his Bachelor of Business Administration (B.B.A.) in Finance in 2009.

Mr. DeSanto is admitted to practice law in Florida, Pennsylvania, and New Jersey, and has been admitted to United States District Courts for the Eastern District of Pennsylvania, the District of New Jersey, Southern District of Florida, and the District of Colorado.

#### Practice Area: Consumer Fraud Class Actions

The attorneys at Sauder Schelkopf have prosecuted and resolved numerous consumer fraud class actions on behalf of millions of consumers against nationally known corporations for deceptive and unfair business practices. Sauder Schelkopf's experience includes the following types of consumer fraud class action cases:

<u>Automotive Defects</u> - Automobiles are a major expense and consumers expect them to provide safe and reliable transportation for themselves and their family and friends. Some vehicles, however, may contain manufacturing or design defects that can pose a danger to our families and others on the road. Even if these defects do not create a potential safety issue, they might result in costly repairs to consumers.

<u>Construction Defects</u> - When consumers purchase a home, they expect the plumbing and other basic functions of the home to work without fail. Certain companies, however, are known to cut corners when designing and manufacturing their products. When an essential component of the home fails, it can lead to costly repair bills, damage to the surrounding property in the home, and high homeowner's deductibles.

<u>Consumer Electronics Defects</u> - As technology continues to evolve, more and more consumers purchase and depend upon electronic devices in their daily routines. From smartphones to state-of-the art drones, many manufacturers rush products to sale to take advantage of high consumer demand. As these products are rushed to market, consumers often are left between the difficult choice of paying expensive repair bills or placing their expensive product on the shelf to gather dust.

<u>Medical Device Defects</u> – Manufacturers of medical devices are held to high standards in the design, manufacturing, and marketing of their products. When a manufacturer learns of a defect in their medical device that could cause bodily harm to the end-user, the law imposes a strict duty on them to institute a recall immediately. Many times, however, manufacturers seek to place profits above the safety of their customers

# Practice Area: Sexual Misconduct and Gender Discrimination

Sauder Schelkopf has a nationally recognized sexual misconduct practice with significant experience fighting for victims. Our former prosecutors have extensive experience investigating and trying cases. Sauder Schelkopf represented victims of clergy sexual abuse in dioceses throughout the country. We have litigated numerous class action and individual lawsuits throughout the country on behalf of sexual abuse survivors.

#### Practice Area: Employee Rights Class Actions

The attorneys at Sauder Schelkopf have protected workers' rights. Employees are given numerous protections under state and federal law. The attorneys at Sauder Schelkopf has held employers accountable to their obligations under the law when hiring, employing, and firing their workers.

If employees face discrimination based on their race, color, country of origin, religion, gender, sexual orientation, the employer is violating the law. In addition, many employees do not receive their due compensation as numerous employers engage in wage and hour violations. Whether you are a potential whistleblower, or your case is associated with any technical or creative legal matter, the attorneys at Sauder Schelkopf are available to discuss your potential case.

### Case Highlights

The attorneys at Sauder Schelkopf have played a lead role in cases throughout the country including:

- Afzal v. BMW of North America, LLC, (D.N.J.) (class action on behalf of purchasers and lessees of BMW M3 vehicles with S65 engines containing an alleged rotating assembly defect resulting in engine failure);
- Ajose v. Interline Brands, Inc., (M.D. Tenn.) (\$16.5 million nationwide class action settlement on behalf of purchasers of defective toilet connectors);
- Bang v. BMW of North America, LLC, (D.N.J.) (class action settlement on behalf of hundreds of thousands of purchasers and lessees of certain BMW vehicles with N63 engines containing alleged oil consumption defect);
- *Bromley v. SXSW LLC,* (W.D. Tex.) (class action settlement related to ticket purchases for 2020 festival cancelled by the COVID-19 pandemic);
- Brown v. Hyundai Motor Am., (D.N.J.) (class action settlement related to defect that caused premature engine failure in approximately 1 million Hyundai vehicles);
- In re Checking Account Overdraft Litig., (S.D. Fla.) (class action resulting in a \$55 million settlement with US Bank; \$14.5 million settlement with Comerica);
- *Cole v. NIBCO, Inc.,* (D.N.J.) (\$43.5 million class action settlement related to defect in PEX products that made them prone to leaking and causing substantial property damage);
- Davitt v. Honda North America, Inc., (D.N.J.) (class action settlement on behalf of hundreds of thousands of purchasers and lessees of Honda CR-V vehicles with alleged defective door lock actuators);
- **Desio et al. v. Insinkerator et al. (E.D. WA)** (\$3.8 million class action settlement on behalf of homeowners who purchased defective water filters);
- Fath v. American Honda Motor Co., (D. Minn) (class action settlement related to defect that caused vehicles to experience fuel dilution and eventually engine failure);

- Guill, Jr. v. Alliance Resource Partners, L.P., (S.D. III) (WARN Act class action on behalf of 200 coal miners);
- *Hartley v. Sig Sauer, Inc.,* (W.D. Mo.) (class action settlement related to pistols that suffered from defect which made them susceptible to firing out-of-battery);
- Henderson v. Volvo Cars of North America LLC, (D.N.J.) (class action nationwide settlement on behalf of 90,000 purchasers and lessees of Volvo vehicles with defective GM4T65 automatic transmissions);
- In re: Hyundai and Kia Engine Litig., (C.D. Cal.) (class action settlement valued at \$892 million related to defect that caused catastrophic engine failure in approximately 4 million Hyundai and Kia vehicles);
- International Brotherhood of Electrical Workers Local 98 Pension Fund v Encore, (San Diego, CA) (shareholder derivative settlement implemented industry-leading reforms to its risk management and corporate governance practices, including creating Chief Risk Officer and Chief Compliance Officer positions, various compliance committees, and procedures for consumer complaint monitoring);
- Jackson v. Viking Group, Inc., (D. Md.) (class action settlement valued between \$30.45 million and \$50.75 million on behalf of owners of defective sprinklers that suffered from non-fire activations);
- Klug v. Watts Regulatory Co., and Ponzo v. Watts Regulatory Co., (D. Neb.) (\$14 million settlement on behalf of homeowners with defective toilet connectors and water heater connectors manufactured by Watts);
- Lax v. Toyota Motor Corporation, (N.D. Cal.) (class action on behalf of hundreds of thousands of purchasers and lessees of certain Toyota vehicles with alleged oil consumption defect);
- *McCoy v. North State Aviation*, (M.D.NC) (\$1.5 million settlement on behalf of hundreds of former employees for Worker Adjustment and Retraining Notification (WARN) violations when they were fired without notice);
- *Mendoza v. Hyundai Motor America, Inc.*, (N.D. Cal.) (class action on behalf of hundreds of thousands of purchasers and lessees of certain Hyundai Sonata vehicles with alleged connecting rod bearing defect resulting in engine failure);

- Neale v. Volvo Cars of North America LLC, (D.N.J.) (certified class action on behalf of hundreds of thousands of purchasers and lessees of certain Volvo vehicles with alleged defective sunroof water drainage systems);
- In re: Outer Banks Power Outage Litigation, (E.D.N.C.) (\$10.3 million settlement on behalf of businesses impacted by massive power outage and evacuation cause by a bridge builder);
- *Physicians of Winter Haven v. Steris Corp.*, (N.D. Ohio) (\$20 million class action settlement on behalf of surgical centers to recoup out-of-pocket expenses related to recalled medical device);
- Rangel v. Cardell Cabinetry, LLC, (W.D. Tex.) (\$800,000 settlement on behalf of hundreds of former employees of a Texas cabinetry maker for Worker Adjustment and Retraining Notification (WARN) violations when they were fired without notice);
- *Rivera v. Ford Motor Company*, (E.D. Mich.) (class action on behalf of hundreds of thousands of purchasers and lessees of certain Ford Focus vehicles with alleged defective Evaporative Emission Control (EVAP) systems causing sudden and unexpected engine stalling);
- *Smith v. Gaiam*, (D. Colo.) (\$10 million consumer class action settlement, which provided full relief to the class);
- In re Stericycle Inc., Sterisafe Contract Litigation, (N.D. Ill.) (\$295 million class action settlement on behalf of medical waste disposal customers of Stericycle regarding alleged automated price increases in violation of contractual terms);
- *Tolmasoff v. General Motors*, (E.D. MI.) (\$6 million nationwide class action settlement on behalf of purchasers and lessees alleging overstated MPG);
- Traxler v. PPG Industries, Inc., (N.D. Ohio) (\$6.5 million class action settlement on behalf of homeowners who purchased and used defective deck stain);
- In re: USC Student Health Center Litig., (C.D. Cal.) (\$215 million class action settlement on behalf of female patients of Dr. George Tyndall, a gynecologist at the University of Southern California accused of sexually assaulting students since the 1990s);

- Wallis v. Kia Motors America, Inc., (N.D. Cal.) (class action on behalf of hundreds of thousands of purchasers and lessees of certain Kia vehicles with alleged connecting rod bearing defect resulting in engine failure);
- Whalen v. Ford Motor Co., (N.D. Cal.) (class action on behalf of hundreds of thousands of purchasers and lessees of certain Ford and Lincoln vehicles with alleged defective MyFord Touch infotainment systems);
- Yaeger v. Subaru of America, Inc., (D.N.J.) (class action on behalf of hundreds of thousands of purchasers and lessees of certain Subaru vehicles with alleged oil consumption defect).
- Shanks v. True Health New Mexico, Inc., D-202-CV-2022-00445 (2nd Dist. Ct. NM) (class action on behalf of consumers impacted by a data breach).